

Panaji, 30th July, 1987 (Sravana 8, 1909)

SERIES I No. 18

OFFICIAL GAZETTE

GOVERNMENT OF GOA

GOVERNMENT OF GOA

Department of Personnel and Administrative Reforms

ORDER

2/7/76-PER (Vol. III)

The following Departmental Selection Committee was constituted for selection made on 9-7-1987 and 10-7-1987 in respect of Group 'C' post of Draftsman in the Public Works Department, Panaji.

- i) Chief Engineer, Public Works Department — Chairman.
- ii) Director (Admn.) (P.W.D.) — Member.
- iii) Under Secretary (P.W. & U.D.) — Member.

By order and in the name of the Governor of Goa.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 22nd July, 1987

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Law Department

Legal Affairs Branch

Notification

LD/1/87-L.A.B.

The Agricultural Produce (Grading and Marking) Amendment Act, 1986 (Act No. 76 of 1986) which was passed by Parliament and assented to by the President of India on 25th December, 1986 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 26th December, 1986, is hereby republished for general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 3rd June, 1987.

The Agricultural Produce (Grading and Marking) Amendment Act, 1986

AN
ACT

further to amend the Agricultural Produce (Grading and Marking) Act, 1937.

Be it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Agricultural Produce (Grading and Marking) Amendment Act, 1986.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*—In section 2 of the Agricultural Produce (Grading and Marking) Act, 1937 (hereinafter referred to as the principal Act),—

(a) in clause (h), the word “and” occurring at the end shall be omitted;

(b) after clause (i), the following clause shall be inserted, namely:—

“(j) an article is said to be misgraded if,—

(i) the article is not of the quality prescribed for the grade designation with which it is marked;

(ii) the composition of the article offered for grading is altered in any way after a sample has been drawn for analysis and determination of the grade designation of the article in accordance with the rules made under this Act;

(iii) the article is tampered with in any manner; and

(iv) any false claim is made for the quality prescribed for its grade designation, upon the label or through advertisement or in any other manner.”.

3. *Amendment of section 3.*—In section 3 of the principal Act,—

(a) in sub-section (1),—

(i) in the opening paragraph, for the words “make rules—”, the following shall be substituted, namely:—

“make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—”;.

(ii) in clause (f), the word “and” occurring at the end shall be omitted;

(iii) after clause (g), the following clause shall be inserted, namely:—

“(h) any other matter which is required to be, or may be, prescribed.”;

(b) sub-section (2) shall be re-numbered as sub-section (3) thereof.

4. *Insertion of new sections 3A and 3B.* — After section 3 of the principal Act, the following sections shall be inserted, namely: —

“3A. Powers of entry, inspection and search. — (1) Any officer of the Central Government or a State Government or any authority, being an officer of a gazetted rank or of equivalent rank, authorised by the Central Government may, if he has reason to believe that any provision of this Act or the rules made thereunder has been, or is being, contravened, enter any premises at any reasonable time and make necessary inspection of, and search for, the agricultural produce in relation to which such contravention has been, or is being, made.

(2) Every authorisation made under sub-section (1) shall be deemed to be a warrant referred to in section 93 of the Code of Criminal Procedure, 1973. 2 of 1974.

3B. Powers of the authorised officer to seize agricultural produce. — (1) An officer authorised under sub-section (1) of section 3A may seize and detain any agricultural produce in relation to which an offence under this Act or the rules made thereunder is being, or appears to have been, committed, or which is intended or likely to be used in the commission of such offence:

Provided that where any agricultural produce seized under this sub-section is subject to speedy or natural decay, the officer so authorised may dispose of such produce in such manner as may be prescribed.

(2) The provisions of section 102 of the Code of Criminal Procedure, 1973 2 of 1974 shall apply to every seizure made under this section.”.

5. *Amendment of section 4.* — In section 4 of the principal Act, for the words “with fine which may extend to five hundred rupees”, the words “with imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees” shall be substituted.

6. *Amendment of section 5.* — In section 5 of the principal Act, for the words “with imprisonment which may extend to two years, or with fine, or with both”, the words “with imprisonment for a term not exceeding three years and fine not exceeding five thousand rupees” shall be substituted.

7. *Insertion of new sections 5A, 5B and 5C.* — After section 5 of the principal Act, the following sections shall be inserted, namely: —

“5A. Penalty for selling misgraded articles. — Whoever sells any scheduled article which is misgraded shall be punishable with imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees.

5B. Power to prescribe compulsory grade designations in respect of certain articles. — (1) Where the Central Government is of opinion that it is necessary in the public interest or for the protection of consumers that any scheduled article or class of articles shall not be sold or distributed except after such article or class of articles is marked with the grade designation mark, it may, by notification in the Official Gazette, make a declaration to that effect.

(2) Any notification issued under sub-section (1) shall specify the area or areas in relation to which the notification shall have effect.

(3) Where a notification under sub-section (1) is issued in respect of any area or areas, no person shall sell or offer to sell or distribute or offer to distribute any scheduled article or class thereof in the area or areas except in accordance with the provisions of this Act or the rules made thereunder.

(4) Whoever contravenes the provisions of this section shall be punishable with imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees.

5C. Institution of prosecution. — No court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made by —

(a) the Central Government or the State Government or any officer authorised by it in writing; or

(b) the person aggrieved; or

(c) a recognised consumer association, whether the person aggrieved is a member of that association or not.

Explanation. — For the purposes of this section, “recognised consumer association” means a voluntary consumer association registered under the Companies Act, 1956 or any other law 1 of 1956 for the time being in force.”.

Goa Legislative Assembly
Legislature Department

LA/B/1559/1987

Dt. 24-7-1987

The following Bill which was introduced in the Legislative Assembly of Goa on 23-7-1987 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

THE GOA APPROPRIATION BILL, 1987

(Bill No. 3 of 1987)

A Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of State of Goa for the services and purposes of the financial year 1987-88.

BE it enacted by the Legislative Assembly of Goa in the Thirty eighth Year of the Republic of India, as follows:—

1. **Short title.**—This Act may be called the Goa Appropriation Act, 1987.

2. **Issue of Rs. 2,38,06,81,000 out of the Consolidated Fund of the State of Goa, for the financial year 1987-88.**—From and out of the Consolidated Fund of the State of Goa there may be paid and applied sums not exceeding those specified in column 5 of the Schedule, amounting in the aggregate to the sum of two hundred thirty eight crores six lakhs and eighty one thousand rupees towards defraying the several charges which will arise for payment during the financial year 1987-88 in respect of the services and purposes specified in column 2 of the Schedule.

3. **Appropriation.**—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Goa by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said financial year.

THE SCHEDULE

(See sections 2 & 3)

No. of Demand	Services and purposes	Sums not exceeding		
		Voted by Assembly	Charged on the Consolidated Fund of the State of Goa	Total
1	2	3	4	5
		Rs.	Rs.	Rs.
1. State Legislature and Elections—				
Revenue		20,62,000	1,02,000	21,64,000
2. Miscellaneous General Services—				
Revenue		3,13,62,000	14,17,000	3,27,79,000
3. Administration of Justice—				
Revenue		50,15,000	7,000	50,22,000
4. Land Revenue, Stamps and Registration—				
Revenue		77,27,000	—	77,27,000
5. State Excise, Sales Tax and Other Taxes and Duties—				
Revenue		72,64,000	—	72,64,000
6. Taxes on Vehicles—				
Revenue		15,46,000	—	15,46,000
— Interest Payments—				
Revenue		—	17,91,36,000	17,91,36,000
7. Police—				
Revenue		4,86,83,000	—	4,86,83,000
8. Jails—				
Revenue		23,57,000	—	23,57,000
9. Stationery and Printing—				
Revenue		65,68,000	—	65,68,000
10. Other General and Economic Services—				
Revenue		1,35,22,000	—	1,35,22,000

1	2	3	4	5
		Rs.	Rs.	Rs.
11. Pension —				
Revenue		2,24,10,000	—	2,24,10,000
12. Public Works, Housing and Urban Development —				
Revenue		8,76,11,000	62,000	8,76,73,000
Capital (including Loans) ...		7,22,58,000	—	7,22,58,000
Total		15,98,69,000	62,000	15,99,31,000
13. Roads and Bridges —				
Revenue		4,44,33,000	—	4,44,33,000
Capital		6,01,98,000	—	6,01,98,000
Total		10,46,31,000	—	10,46,31,000
14. Education, Sports, Art and Culture—				
Revenue		32,25,75,000	—	32,25,75,000
Capital (including Loans) ...		1,18,19,000	—	1,18,19,000
Total		33,43,94,000	—	33,43,94,000
15. Medical, Family Welfare and Public Health, Sanitation and Water Supply —				
Revenue		17,11,22,000	—	17,11,22,000
Capital		8,14,64,000	—	8,14,64,000
Total		25,25,86,000	—	25,25,86,000
16. Information and Publicity —				
Revenue		52,55,000	—	52,55,000
17. Labour and Employment —				
Revenue		1,59,96,000	—	1,59,96,000
18. Social Security and Welfare, Relief on account of Natural Calamities and Food —				
Revenue		2,23,31,000	—	2,23,31,000
Capital (including Loans) ...		15,48,94,000	—	15,48,94,000
Total		17,72,25,000	—	17,72,25,000
19. Cooperation and Community Development —				
Revenue		2,94,03,000	—	2,94,03,000
Capital (including Loans) ...		52,55,000	—	52,55,000
Total		3,46,58,000	—	3,46,58,000
20. Agriculture and Allied Services —				
Revenue		7,62,08,000	—	7,62,08,000
Capital (including Loans) ...		7,75,31,000	—	7,75,31,000
Total		15,37,39,000	—	15,37,39,000
21. Irrigation and Power Projects —				
Revenue		36,53,30,000	—	36,53,30,000
Capital		15,21,04,000	—	15,21,04,000
Total		51,74,34,000	—	51,74,34,000
22. Industries —				
Revenue		1,20,05,000	—	1,20,05,000
Capital (including Loans) ...		2,93,28,000	—	2,93,28,000
Total		4,13,33,000	—	4,13,33,000

1	2	3	4	5
		Rs.	Rs.	Rs.
23.	Road and Water Transport Services (including Ports) —			
	Revenue	1,69,78,000	—	1,69,78,000
	Capital	2,22,78,000	—	2,22,78,000
	Total	3,92,56,000	—	3,92,56,000
24.	Tourism —			
	Revenue	51,38,000	—	51,38,000
	Capital (including Loans) ...	1,13,99,000	—	1,13,99,000
	Total	1,65,37,000	—	1,65,37,000
—	Public Debt —			
	Capital (Public Debt)	—	18,45,54,000	18,45,54,000
25.	Loans and Advances by the State Governments —			
	Capital (Loans and Advances) ...	1,14,74,000	—	1,14,74,000
26.	Appropriation to the Contingency Fund (Loans)	25,00,000	—	25,00,000
	GRAND TOTAL	2,01,54,03,000	36,52,78,000	2,38,06,81,000
	Revenue	1,32,29,01,000	18,07,24,000	1,50,36,25,000
	Capital (including Public Debt and Loans)	69,25,02,000	18,45,54,000	87,70,56,000

Financial Memorandum

Provision is made in the Bill to appropriate for the services and purposes expressed in the Schedule during the financial year 1987-88 a sum of Rs. 2,38,06,81,000/-. This amount consists of Rs. 1,50,36,25,000/- on Revenue Account and Rs. 87,70,56,000/- on Capital Account including Public Debt and Loans and Advances.

Statement of Objects and Reasons

The Budget for the year 1987-88 was presented to the Legislative Assembly on 9th July, 1987. The Demands for Grants have since been discussed and voted by the Assembly. This Appropriation Bill is therefore, introduced in accordance with the provisions of article 204 of the Constitution, to provide for the appropriation out of the Consolidated Fund of the State of Goa of the moneys required for the services during the financial year 1987-88.

The Governor, has in pursuance of clauses (1) and (3) of article 207 of the Constitution recommended to the Legislative Assembly, the introduction and consideration of the Bill.

SHRI PRATAPSINGH RAOJI RANE

Chief Minister

Panaji,

July, 1987.

Assembly Hall,
Panaji,
24th July, 1987.

M. M. NAIK

Secretary to the Legislative
Assembly of Goa

No. LA/B/1512/1987

Dt. 20-7-1987

The following Bill which was introduced in the Legislative Assembly of Goa on 17th July, 1987 is hereby published for general information in pursuance of the provisions of Rule - 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Old Age Pension Bill, 1987

(Bill No. 6 of 1987)

A BILL

to provide for the payment of pension as a means of sustenance to old persons:

Be it enacted by the Legislative Assembly of Goa, in the Thirty-eighth Year of the Republic of India as follows:—

1. **Short title, extent and commencement.**— (1) This Act may be called the Goa Old Age Pension Act, 1987.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may by notification, in the Official Gazette appoint.

2. **Definitions.**— In this Act, unless the context otherwise requires,—

(a) "Government" means the Government of Goa;

(b) "old person" means a person who has completed the age of 65 years;

(c) "pension" means periodical payment made by the Government for the purpose of providing means of sustenance to old persons;

(d) "prescribed" means prescribed by rules made under this Act.

3. **Persons entitled to old age pension.**— The Government shall grant pension to all the old persons, who apply for it except the persons of the following category or such other category as may be prescribed:—

(a) persons enjoying grant of pension from the Central Government or any State Government or any other local authority, Corporation, private firms, or person, where such pension is more than the pension fixed under this Act;

(b) persons having an income of more than the pension fixed under this Act;

(c) persons who are entitled for maintenance under any law in force and when such maintenance is more than the pension fixed under this Act;

(d) persons whose only son or any of the sons is carrying more than rupees five hundred per mensem.

4. **Quantum of pension.**— The amount of pension shall be such as may be fixed by a Committee to be appointed by the Government.

5. **Revision of pension.**— The pension fixed under this Act may be revised if considered necessary at the end of every five years.

6. **Power to make rules.**— The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Statement of Objects and Reasons

Old people having no capacity to earn, or being properly maintained otherwise, suffer the most these days because the old family ties and joint family system are breaking under the stress of modern civilization. It is not uncommon to find such people living as destitutes and at the mercy of individuals. In accordance with the spirit embodied in the Directive Principles of the Constitution, it is desirable that the Government should make provision for the maintenance of such old people.

This Bill is designed to achieve this purpose.

Financial Memorandum

It is not possible to give the financial implications of the implementation of the Bill as it is not known how many old persons will apply for pension and what will be the quantum of monthly pension.

Panaji,
15th July, 1987

Assembly Hall,
Panaji
10th July, 1987

LUIZINHO FALEIRO,
M. L. A.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa.

No. LA/B/1493/1987

Dt. 17-7-1987

The following Bill which was introduced in the Legislative Assembly of Goa on 16th July, 1987 is hereby published for general information in pursuance of the provision of Rule - 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Administration of Evacuee Property

(Amendment) Bill, 1987

(Bill No. 9 of 1987)

A BILL

to confer tenancy right on the tenants of agricultural lands which are evacuee properties and to amend the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 and the Goa, Daman and Diu Agricultural Tenancy Act, 1964 therefor and for certain other matters.

Be it enacted by the Legislative Assembly of Goa in the Thirty-eighth Year of the Republic of India as follows:—

1. **Short title and commencement.**— (1) This Act may be called the Goa Administration of Evacuee Property (Amendment) Act, 1987.

(2) It shall come into force at once.

2. *Amendment of section 2.* — In section 2 of the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 (Act 6 of 1964) (hereinafter referred to as the principal Act), —

(i) clause (a) shall be renumbered as clause (aaa) and before clause (aaa) as so renumbered, the following clauses shall be inserted, namely: —

“(a) “agriculture” includes horticulture and raising of food crops, grass and garden produce but does not include allied pursuits.

(aa) “allied pursuits” means rearing or maintaining plough bulls, breeding of livestock, dairy farming, poultry farming, grazing on grounds reserved for the purpose and such other pursuits connected with agriculture, as may be prescribed;”;

(ii) after clause (f), the following clause shall be inserted, namely: —

“(ff) “lease” means a transfer of a right to enjoy land, made orally or in writing, for a specified, or unspecified period, and in consideration of rent;”;

(iii) after clause (k), the following clauses shall be inserted, namely: —

“(kk) “rent” means any consideration in money or kind or both, paid or payable by a tenant on account of the use or occupation of the land held by him but shall not include the rendering of any personal service or labour;

(kkk) “tenancy” means the relationship existing between the tenant and the Custodian;

(kkkk) “tenant” means a person who on or after the date of commencement of the Goa Administration of Evacuee Property (Amendment) Act, 1987 holds land on lease and cultivates it personally but does not include a person who holds land on lease for the purpose of plucking the fruits only;”.

3. *Substitution of section 3.* — For section 3 of the principal Act, the following section shall be substituted, namely: —

“3. *Act to override other laws.* — (1) On and from the date of coming into force of the Goa Administration of Evacuee Property (Amendment) Act, 1987, the provisions of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964), for the time being in force, shall apply in respect of agricultural land and tenancies created by the Custodian.

(2) The provisions of this section shall, save as otherwise expressly provided, have effect notwithstanding anything to the contrary contained in any instrument having effect by virtue of any such law.”.

4. *Amendment of section 8.* — In section 8 of the principal Act, —

(i) In sub-section (1), for the words “Subject to the provisions of any rules”, the words “Save as otherwise expressly provided and subject to the provision of any rules” shall be substituted;

(ii) In sub-section (2), after clause (m), the following clause shall be inserted, namely: —

“(n) invest any money held by him in such securities as may be prescribed:”.

5. *Amendment of section 10.* — In sub-section (1) of section 10 of the principal Act, after the words “Notwithstanding anything contained in any other law for the time being in force”, the words and figure “and save as provided in section 3” shall be inserted.

6. *Amendment of section 15.* — In sub-section (1) of section 15 of the principal Act, for the words “Subject to such rules”, the words and figure “Save as provided under section 3 and subject to such rules” shall be substituted.

7. *Amendment of section 23.* — In section 23 of the principal Act, for the words “Any person who fails to comply with”, the words and figure “Save as provided under section 3, any person who fails to comply with” shall be substituted.

8. *Amendment of section 44.* — In section 44 of the principal Act, for the words “Government may”, the words and figures “Save as provided under section 3, the Government may” shall be substituted.

9. *Amendment of section 46.* — In sub-section (2) of section 46 of the principal Act, after clause (r), the following clause shall be inserted, namely: —

“(rr) the securities in which the Custodian may invest any moneys held by him;”

10. *Amendment of section 56 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964.* — In sub-section (1) of section 56 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964), the words and figures “or lands vested in the Custodian under the Goa, Daman and Diu Administration of Evacuee Property Act, 1964” shall be omitted.

Statement of Objects and Reasons

The Goa, Daman and Diu Administration of Evacuee Property Act, 1964, as in force in this State of Goa, has an overriding effect on other laws for the time being in force. The overriding effect of the said Act of 1964 takes away, in so far as the question of the evacuee property is concerned, the jurisdiction of any other Court or Tribunal under any other statute or in any instrument having effect by virtue of any such law in terms of section 3 of the said Act. As a result, all agricultural tenancies created by the Custodian of Evacuee Property in pursuance of the vesting of land in him under the said Act do not fall within the purview of the Goa, Daman and Diu Agricultural Tenancy Act, 1964. Apart from the above, section 56 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 itself excluded the land vested in the Custodian of Evacuee Property from its purview.

The Goa, Daman and Diu Agricultural Tenancy (Fifth Amendment) Act, 1976 (17 of 1976) has been brought into force with effect from 26-4-1976. The object of this Act was to confer ownership rights on cultivating tenants and vesting the same subject to other provisions of the Goa, Daman and Diu Agricultural Tenancy Act, 1964. However, in view of

the provisions contained under section 3 of the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 read with section 56 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, the object thereunder could not be achieved unless both Acts are amended suitably.

The Bill is intended to remove the aforesaid hardship to such tenants and provide for the application of the provisions of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 to the cultivating tenants of agricultural lands vested in the Custodian thereby conferring ownership rights in the cultivating tenants subject to other provisions of this Act.

Financial Memorandum

The Bill does not involve any expenditure for implementing the provisions of the Bill as the existing machinery would be entrusted with the work of implementation of the Bill. However, in pursuance of section 18J(4) of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, the Government will have to pay compensation towards the purchase price in respect of lands vested in it. The expenditure that may have to be incurred by the Government on this account cannot be envisaged at this stage.

Panaji,
8th July, 1987

Assembly Hall,
Panaji
10th July, 1987

P. R. RANE
Minister for Home

M. M. NAIK
Secretary to the Legislative
Assembly of Goa

Governor's recommendation under rule 207 of the Constitution.

In pursuance of clause (1) of article 207 of the Constitution, the Governor of Goa has recommended to the Legislative Assembly of Goa, the introduction and consideration of the Goa Administration of Evacuee Property (Amendment) Bill, 1987.

(Annexure to Bill No. 9 of 1987)

The Goa Administration of Evacuee Property (Amendment) Bill, 1987

The Goa, Daman and Diu Administration
of Evacuee Property Act, 1964
(Act No. 6 of 1964)

2. *Definitions.*—In this Act unless the context otherwise requires, —

(a) "Custodian" means the Custodian appointed or deemed to be appointed under section 4, and includes any Deputy or Assistant Custodian of evacuee property;

(f) "intending evacuee" means any Portuguese national in Goa, Daman and Diu against whom any intention to settle in any place outside India is established from his conduct or from documentary evidence and who is declared as an intending evacuee under section 18;

(k) "relevant date" means the sixth day of December, 1961:

Provided that Government by notification in the Official Gazette fix the 15th day of August, 1954, as the relevant date for any particular class or category of cases;

3. *Act to over-ride other laws.*—The provision of this Act and of the rules and orders made thereunder shall have

effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any such law.

8. *Powers and duties of the Custodian generally.*—(1) Subject to the provisions of any rules that may be made in this behalf, the Custodian may take such measures as he considers necessary or expedient for the purposes of securing, administering, preserving and managing any evacuee property and generally for the purpose of enabling him satisfactorily to discharge any of the duties imposed on him by or under this Act and may, for any such purpose as aforesaid, do all acts and incur all expenses necessary or incidental thereto.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the Custodian may, for any of the purposes aforesaid, —

(m) delegate, by general or special order, all or any of his functions under this Act to such officers or persons as may be prescribed.

10. *Custodian's right in respect of leases, allotments or possession of evacuee property.*—(1) Notwithstanding anything contained in any other law for the time being in force or in any agreement or contract, the Custodian may cancel any allotment or terminate any lease or amend the terms of any lease or agreement under which any evacuee property is held or occupied by a person (whether such allotment, lease or agreement was granted or entered into before or after the commencement of this Act).

15. *Restoration of evacuee property.*—(1) Subject to such rules as may be made in this behalf, any evacuee or any person claiming to be an heir of an evacuee may apply to Government or to any person authorised by it in this behalf (hereinafter in this section referred to as the authorised person) that any evacuee property which has vested in the Custodian and to which the applicant would have been entitled in this Act were not in force, may be restored to him.

23. *Penalty for failure to surrender possession of evacuee property.*—Any person who fails to comply with a notice or demand by or on behalf of the Custodian under the provisions of this Act to surrender possession of any evacuee property shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

44. *Power of Government to take action with regard to evacuee property.*—Government may, for the purpose of regulating or improving the administration of any property which has vested in the Custodian under or direct such action to be taken in relation thereto, as in its opinion the circumstances of the case require and as is not inconsistent with any of the provisions contained in this Act.

46. *Power to make rules.*—(1) Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(r) the persons by whom and the time at which books of accounts maintained under this Act may be inspected and audited;

The Goa, Daman and Diu Agricultural Tenancy Act, 1964
(Act No. 7 of 1964)

56. *Exemption.*—(1) The provisions of this Act shall not apply to lands leased or held by the Government or lands granted to or for the benefit of any individual specifically for rendering any service to any religious, educational or charitable institution or for any other specific service to the public or lands vested in the Custodian under the Goa, Daman and Diu Administration of Evacuee Property Act, 1964.

Assembly Hall,
Panaji, 10th July, 1987.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa

LA/B/1545/1987

Dt. 22nd July, 1987

The following Bill which was introduced in the Legislative Assembly of Goa on 22nd July, 1987 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

**The Goa Buildings (Lease, Rent and Eviction) Control
(Amendment) Bill, 1987**

(Bill No. 14 of 1987)

A

BILL

to amend the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968.

Be it enacted by the Legislative Assembly of Goa in the Thirty-eighth Year of the Republic of India as follows:—

1. Short title, extent and commencement.— (1) This Act may be called the Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 1987.

(2) It extends, in the first instance, to the cities of Panaji, Margao, Mapusa and Vasco (including the harbour area) in the State of Goa but the Government may, from time to time, by notification in the Official Gazette extend this Act or any provision thereof to any other area in the State.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 2.—In clause (1) of section 2 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act 2 of 1969) (hereinafter referred to as the "principal Act"), for sub-clause (i), the following sub-clause shall be substituted, namely:—

"(i) in relation to a landlord who is an individual, his spouse, son, daughter and includes father, mother, grandson solely dependent on the landlord for maintenance:

Provided that in the case of married daughter, her husband shall not be entitled to claim any benefit under section 5, if his wife has already got the said benefit thereunder and in case her husband has already got the said benefit, the married daughter shall not be entitled to claim the same".

3. Amendment of section 23A.— For sub-section (3) of section 23A of the principal Act, the following sub-section shall be substituted, namely:—

(3) Notwithstanding anything contained in this Act,—

(a) a landlord, who is a member of the armed forces of the Union or who is an employee of the Central or the State Government or Railways or who was such member or employee as the case may be, and is duly retired (which term

shall include premature retirement) shall be entitled to recover possession of any premises on the ground that the premises are bonafide required by him for occupation by himself or any member of his family (which term shall include a parent or other relation ordinarily residing with him and dependent on him) and the Controller shall pass an order for eviction on such ground if the landlord at the hearing of the suit, produces a certificate signed by the Head of his Services or his Commanding Officer or by the Head of his Department as the case may be, to the effect that—

(i) he is presently a member of the armed forces of the Union or employee of the Central or the State Government or Railways or he was such member or employee as the case may be, and is now retired ex-serviceman or employee as the case may be;

(ii) he does not possess any other suitable residence in the local area where he or the members of his family can reside;

(b) where a member of the armed forces of the Union or employee of the Central or the State Government or Railways as the case may be, dies while in service or such member is duly retired as stated above and dies within five years of his retirement, his widow who is or becomes a landlord of any premises, shall be entitled to recover possession of such premises, on the ground that the premises are bonafide required by her for occupation by herself or any member of her family (which term shall include her husband's parent or other relation ordinarily residing with her) and the Controller shall pass an order for eviction on such ground, if such widow at the hearing of the suit, produces a certificate signed by the Area or Sub-Area Commander or by her Head of Department within whose jurisdiction the premises are situated to the effect that—

(i) she is a widow of a deceased member of the armed forces or the employee of the Central or the State Government or Railways as the case may be;

(ii) she does not possess any other suitable residence in the local area where she or the members of her family can reside.

Explanation 1.— For the purposes of this sub-section any certificate granted thereunder shall be conclusive evidence of the facts stated therein.

Explanation 2.— For the purpose of clause (a) of this sub-section the expression "the Head of his Services" in the case of officers retired from the Indian Navy includes the Flag Officer-in-Chief, Western Naval Command and in the case of officers retired from the Indian Air Force includes the Station Commander.

Statement of Objects and Reasons

Under the existing definition of member of the family, a married daughter is presumed to be a part of the family of the husband and is not treated as a member of the family for the purpose of claiming the premises for self occupation. However, such right to claim back the premises for self occupation has been given to a widowed daughter,

etc. It is felt that when a married daughter of a landlord requires the house belonging to her father for her self occupation, she should not be deprived of this facility mainly on the ground of her being married. In other words, her right should be equal to that of a widowed daughter or son. Therefore, it is suggested to amend the definition of the "member of family" as proposed. However, to prevent any double advantage, a proviso has been added as a safeguard.

2—The Railway Ministry in the Government of India has suggested that in order to ensure the recovery of the house rented out by the employees of Railways, a specific amendment may be made so as to enable them to get quick-release of the rented premises on the pattern of the Defence employees. Since Railway employees and Government employees face lot of difficulties to get back the premises on their retirement from the tenants, it is proposed to put them on par with the Defence employees. The proposed amendment will cover not only the employees of the Railways but also the employees of the Central and State Governments.

Financial Memorandum

No financial implications are involved in this proposal.

Memorandum on Delegated Legislation

No delegation has been envisaged.

Panaji,
15th July, 1987.

SHAIKH HASSAN HAROON
Minister for Revenue

Assembly Hall,
21st July, 1987.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa.

(Annexure to Bill No. 14 of 1987)

The Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Bill, 1987

The Goa, Daman and Diu Building (Lease, Rent
and Eviction) Control Act, 1968

1. (i) in relation to a landlord who is an individual, his spouse, son, unmarried daughter and includes father,

mother, grandson, widowed daughter, widowed grand-daughter solely dependent on the landlord for maintenance;

23A (3) Notwithstanding anything contained in this Act —

- (a) a landlord, who is a member of the armed forces of the Union, or who was such member and is duly retired (which term shall include premature retirement) shall be entitled to recover possession of any premises on the grounds that the premises are bonafide required by him for occupation by himself or any member of his family (which term shall include a parent or other relation ordinarily residing with him and dependent on him), and the Controller shall pass an order for eviction on such ground if the landlord, at the hearing of the suit, produces a certificate signed by the Head of his services or his Commanding Officer to the effect that —
 - i) he is presently a member of the armed forces of the Union or he was such member and is now retired ex-serviceman;
 - ii) he does not possess any other suitable residence in the local area where he or the members of his family can reside;
- (b) Where a member of the armed forces of the Union dies while in service or such member is duly retired as stated above and dies within five years of his retirement, his widow, who is or becomes a landlord of any premises, shall be entitled to recover possession of such premises, on the ground that the premises are bonafide required by her for occupation by herself, or any member of her family (which term shall include her husband's parent or other relation ordinarily residing with her) and the Controller shall pass an order for eviction of such ground, if such widow, at the hearing of the suit, produces a certificate signed by the Area or Sub-Area Commander within whose jurisdiction the premises are situated to the effect that —
 - (i) she is a widow of a deceased member of the armed forces as aforesaid;
 - (ii) he does not possess any other suitable residence in the local area where she or the members of her family can reside.

Explanation 1 — For the purposes of this section any certificate granted thereunder shall be conclusive evidence of the facts stated therein.

Explanation 2 — For the purpose of clause (a) of this section the expression "the Head of his Services." in the case of officers retired from the Indian Navy includes the Flag Officer Commanding-in-Chief, Western Naval Command and in the case of officers retired from the Indian Air Force includes the Station Commander.